

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1818
By: Patterson et al. (Menéndez)
Business & Commerce
5/20/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns that state law does not do enough to protect consumers and animals from commercial pet stores who are bad actors, which results in consumers purchasing animals with undisclosed health defects that can lead to increased veterinary costs and, in certain cases, even death of the animal. In addition, it is estimated that millions of dogs and cats are sold annually by breeders across the county, while dogs and cats that are in need of a home are left in shelters and euthanized.

H.B. 1818 seeks to address both issues by limiting the sources from which for-profit pet stores in more populous counties may legally obtain dogs or cats and requiring store owners to disclose the source of each dog or cat up for sale.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1818 amends current law relating to the source of dogs and cats sold by pet stores and provides a civil penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 6, Business & Commerce Code, by adding Chapter 205, as follows:

CHAPTER 205. SALE OF DOGS AND CATS BY PET STORES

Sec. 205.001. DEFINITIONS. Defines "animal control agency," "animal rescue organization," "animal shelter," "dog or cat breeder," "pet store," and "qualified breeder."

Sec. 205.002. SALE OF DOG OR CAT BY PET STORE. Prohibits a pet store from selling a dog or cat unless the pet store obtained the dog or cat from an animal control agency, an animal shelter, an animal rescue organization, or a qualified breeder.

Sec. 205.003. QUALIFICATIONS FOR BREEDERS; VERIFICATION BY PET STORES. (a) Requires a person, except as provided by Subsection (c), to qualify to provide a dog or cat to a pet store for purposes of Section 205.002(4), to:

(1) if the person is located in this state, be a dog or cat breeder that holds a license under Chapter 802 (Dog or Cat Breeders), Occupations Code; or

(2) if the person is not located in this state:

(A) meet the standards for dog and cat breeders adopted under Section 802.201 (Adoption of Standards), Occupations Code;

(B) hold the appropriate license or other permit required for a breeder in the state in which the person is located, if applicable; and

(C) hold the appropriate license issued, or be exempt from licensing, by the United States Department of Agriculture under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.).

(b) Requires a pet store owner obtaining a dog or cat from a breeder qualified under Subsection (a)(2) to require that the breeder:

(1) certify or provide documentation to establish that the breeder complies with the standards for dog and cat breeders adopted under Section 802.201, Occupations Code, which is authorized to include receipts for grooming and veterinary care and photographs of the exercise area showing compliance with the standards;

(2) provide proof the breeder holds a license or other permit issued by the state in which the breeder is located, if that state requires the breeder to hold a license or other permit; and

(3) provide proof of current licensure described by Subsection (a)(2)(C) and the breeder's inspection reports issued by the United States Department of Agriculture during the four years before the date the dog or cat is obtained, or proof the breeder is exempt from that licensure by the United States Department of Agriculture.

(c) Prohibits a pet store from obtaining a dog or cat from a qualified breeder if the breeder's inspection reports issued by the United States Department of Agriculture during the preceding four years contain any of the following violations of the Animal Welfare Act (7 U.S.C. Section 2131 et seq.):

(1) a direct or critical violation;

(2) an indirect no-access violation; or

(3) at least three indirect or non-critical violations that are related to the health and welfare of an animal, are not administrative in nature, and are not violations described by Subdivision (2).

Sec. 205.004. MAINTENANCE OF RECORDS. (a) Requires a pet store to maintain a record documenting from which animal control agency, animal shelter, animal rescue organization, or qualified breeder the pet store obtained each dog or cat in the possession of the pet store for not less than one year following the date the pet store takes possession of the dog or cat.

(b) Requires a pet store to maintain records provided by a qualified breeder under Section 205.003 for not less than one year following the date the pet store takes possession of a dog or cat from that qualified breeder.

(c) Requires a pet store to make the records maintained under this section reasonably available for inspection by an animal control agency or other governmental entity.

Sec. 205.005. PUBLIC POSTING. Requires a pet store to post in a conspicuous location affixed to the enclosure of each dog or cat available for sale the name of the animal control agency, animal shelter, animal rescue organization, or qualified breeder from which the pet store obtained the dog or cat.

Sec. 205.006. CIVIL PENALTY. Provides that a pet store that violates Section 205.002 is liable to this state for a civil penalty in an amount not to exceed \$500 for each dog or cat sold in violation of that section. Authorizes the attorney general to bring an action to collect the civil penalty imposed under this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.